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2003P12731WOUS
Marcus BACHMANN et al.
Appl. No.: 10/566,171

REMARKS

Claim Status

After entry of this Amendment, Claims 3 – 7, 9, 10, 12, 13 and 16 – 18 are pending. By this Amendment, Claims 3 – 7, 9, 10 and 12 – 13 are amended, Claims 1, 14 and 15 are cancelled, and new Claims 16 – 18 are added. Claims 2, 8 and 11 have been previously cancelled. No new matter is added.

Drawings

The Examiner objects to the drawings under 37 CFR 1.83(a) asserting that the "half-cones" recited in Claim 1 are not shown in the drawings. By this Amendment, Claim 1 is cancelled, and new Claim 16 is added, as set forth in the above listing of claims. New Claim 16 does not recite "half-cones." The objection to the drawings is, therefore, moot.

Claim Rejections – 35 U.S.C. § 112

The Examiner rejects Claims 1, 3 – 7, 9, 10 and 12 – 15 under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. The Examiner asserts the claims are generally narrative and replete with grammatical and idiomatic errors, and requests Applicants to review and amend all of the claims for full compliance with 35 U.S.C. § 112, 2nd paragraph. In response, Applicants amend the claims as set forth in the above listing of claims. The amended claims are believed to comply with 35 U.S.C. § 112, 2nd paragraph.

More particularly, Claim 1 is cancelled and new independent Claims 16 and 17 are added. New Claim 16 recites a device for cleaning a window or headlamp lens of a motor vehicle to clarify that a device is claimed. The claimed device of new Claim 16 includes a nozzle holder, a washing nozzle, and an insert arranged in the nozzle holder and configured to retain the washing nozzle within the nozzle holder, wherein the insert is further specified as having two half-cylinders. New Claim 16, therefore, specifies that the washing nozzle is a separate element, e.g., as shown in Fig. 3B.

New Claim 17 recites a device for cleaning a window or headlamp lens of a motor vehicle to clarify that a device is claimed. The claimed device of new Claim 17 includes a

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nozzle holder and an insert arranged in the nozzle holder and configured as a washing nozzle, wherein the insert is specified as having two half-cylinders. New Claim 17, therefore, specifies that the insert is configured as a washing nozzle, as shown in Fig. 4.

Claim 3 is amended to avoid the term "large." Amended Claim 3 specifies that the nozzle holder in a region of the washing nozzle has an opening having a diameter that is larger than a diameter of a washing-fluid jet to be generated by the washing nozzle.

Claim 15 is cancelled.

The dependent claims are further amended to correct any grammatical and idiomatic errors Applicants noted, and to depend from new independent Claim 16, where applicable. New dependent Claim 18 depends from new independent Claim 17.

In view of the foregoing and the amended claims, Applicants respectfully request the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 112, 2nd paragraph.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejects Claims 1, 3, 4, 6, 7, 9, 10 and 12 – 14 under 35 U.S.C. § 103(a) as being obvious over Newill (U.S. Patent No. 2,898,036) in view of Christodoulou (WO 02/44608). More particularly, the Examiner asserts that Newill discloses the features of these claims with the exception of an insert that is divided along a longitudinal axis into two half-cylinders connected at one edge. The Examiner cites Christodoulou as teaching a cylindrical object made of two half cylinders. The Examiner concludes that it would have been obvious to have formed the insert of Newill from two half cylinders with a hinge as taught by Christodoulou for ease of manufacturing.

Applicants respectfully traverse because the Examiner's stated basis for rejecting these claims is a clear example of unacceptable 20-20 hindsight that uses Applicants' claimed invention as a template for improperly modifying the prior art in a manner not taught or suggested by the prior art, as discussed hereinafter. As Claim 1 is cancelled and new independent Claims 16 and 17 are added, Applicants address the instant rejection over Newill in view of Christodoulou with reference to the subject matter of new independent Claims 16 and 17.

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Newill discloses two embodiments of a nozzle assembly 18, 50. (Col. 2, lines 30 – 32, col. 2, lines 63 – 65.) In both embodiments, the nozzle elements 20, 56 are cylindrical; however, the nozzle elements 20, 56 are not divided along a longitudinal axis into two half-cylinders. In this regard, Applicants agree with the Examiner's analysis of Newill.

Applicants, however, respectfully disagree with the Examiner's conclusion that it would have been obvious to the skilled person to form the insert of Newill from two half cylinders with a hinge as taught by Christodoulou for ease of manufacturing. Newill's nozzle element 20 has a passage 30, a spraying orifice 32 and a flushing orifice 34, as shown in Fig. 2. (Col. 2, lines 38 – 42.) As shown in Figs. 1 and 2, the spraying orifice 32 is located at a distance from the housing 10. Similarly, Newill's nozzle element 56 has a spraying orifice 62 and a flushing orifice 58 located within a cut-out portion 54 of the housing 52. Liquid solvent is supplied under pressure through the spraying orifices 32, 62 or the flushing orifices 34, 58. (E.g., col. 2, lines 34 – 37.)

The skilled person would recognize that dividing these nozzle elements into two half-cylinders could lead to undesired leaking of the liquid through the area between the half-cylinders, in particular, since the liquid is supplied under pressure. Such leakage would degrade the quality of the spray. The skilled person would have to undertake particular sealing efforts to avoid such leakage, which would add to the assembly's complexity. Therefore, absent unacceptable hindsight, the skilled person would not deviate from Newill's teaching and would not divide Newill's nozzle elements into two half-cylinders, even if the skilled person knew that Christodoulou teaches a cylindrical object made of two half cylinders.

In view of the foregoing and the amended claims, Applicants respectfully submit that Newill in view of Christodoulou does not disclose or suggest all features of new Claims 16 and 17. Therefore, Newill in view of Christodoulou does not render Claims 16 and 17 obvious. Applicants respectfully request the Examiner to reconsider the rejections under 35 U.S.C. § 103(a) and to pass independent Claims 16 and 17 to allowance.

Claims 3 – 7, 9, 10, 12, 13 and 18 depend from Claims 16 and 17, respectively. These dependent claims recite additional inventive features that are in combination with

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the features of the respective independent claim not disclosed or suggested by the cited references. The above arguments regarding Claims 16 and 17 are repeated herewith. Each one of these dependent claims is, therefore, on its own patentable. Accordingly, Applicants respectfully requests the Examiner to reconsider and to withdraw the instant rejections and to pass Claims 3 – 7, 9, 10, 12, 14 and 18 to allowance.

Summary of response

Applicants have responded to the rejections in the March 5, 2008 Office Action by presenting the foregoing amendments and arguments. Applicants respectfully submit that Claims 3 – 7, 9, 10, 12, 13 and 16 – 18 are in condition for allowance. Applicants respectfully request the Examiner to withdraw all rejections and to pass this application to the issue process.

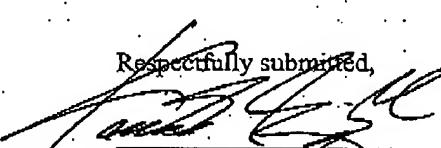
Request for telephone interview

The undersigned has made a good faith effort to respond to the objection and to all of the rejections raised in the Office Action so as to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned attorney of record at the telephone number listed below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2003P12731WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: April 16, 2008

Respectfully submitted,


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